

## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "COMPONENT MIXING CATHETER", the specification of which

☒ is attached hereto

☐ was filed \_\_\_\_\_ as United States Application Number \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(e) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Country	Filing Date (mm/dd/yyyy)	Priority Claimed	Certified Copy Attached

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (mm/dd/yyyy)
60/102,636	October 1, 1998

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability

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as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (mm/dd/yyyy)	Parent Patent Number (if applicable)

As a named inventor, I hereby appoint Anthony H. Handal, Reg. No. 26,275 and as my attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Anthony H. Handal at (203) 838-8589

Address all correspondence to: Anthony H. Handal  
Handal & Morofsky  
80 Washington Street  
Norwalk, Connecticut 06854  
Facsimile (203) 838-8794

I hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful fals [X] Additional inventors are being named on the separate sheet attached hereto. We statements may jeopardize the validity of the application or any patent issued thereon.

Name of First Inventor: Gordon Howard EPSTEIN	
Residence: 135 Kootenai Drive, Fremont, CA 94539; Citizenship: US	
Post Office Address: 135 Kootenai Drive, Fremont, CA 94539	
Inventor's Signature:	Date:

09403001-092959

[X] Additional inventors are being named on the separate sheet attached hereto.

Name of Second Inventor: Mitchell E. LEVINSON	
Residence: Pleasanton, CA	Citizenship: US
Post Office Address: 7924 Spyglass Court, Fremont, CA 94588	
Inventor's Signature:	Date:

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Applicant or Patentee: EPSTEIN, Gordon H.Serial No.: UnknownAttorney's Docket No.: GE1300Filed: Herewith

For: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b))-SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official for the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN BioSurgical CorporationADDRESS OF CONCERN 5990 Stoneridge Drive, Pleasanton CA 94588

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MULTIPURPOSE APPLICATOR AND METHOD, WITH SURGICAL USES by the inventor Gordon H. EPSTEIN described in

☒ the specification filed herewith☐ Patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_☐ patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Gordon Howard EPSTEINTITLE OF PERSON OTHER THAN OWNER Chief Technology OfficerADDRESS OF PERSON SIGNING 135 Keaton Drive, Fremont CA 94539SIGNATURE Gordon Howard EpsteinDATE 7/17/98

HANDAL &amp; MOROSKY

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